

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

NATIONAL COLLEGIATE LOAN TRUST  
2006-3, 2007-4, a Delaware Statutory Trust,

Plaintiff,

v.

Case No. 14-13638  
Hon. Sean F. Cox

MARC D. SMITH and CAROLYN U. SMITH,

Defendants.

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**OPINION AND ORDER**

**I. INTRODUCTION**

This matter is before the Court on Defendant Marc D. Smith's ("Marc Smith") Request for Court Filing Fee Refund [dkt. 10]. For the reasons set forth below, Marc Smith's request is DENIED.

**II. BACKGROUND**

Plaintiff filed its single-count complaint in the 36th District Court (Detroit, Michigan) on August 21, 2014, alleging that Defendants entered into a student loan and defaulted under the obligations of the contract by failing to pay as promised. On September 19, 2014, Defendants filed a Notice of Removal under 28 U.S.C. § 1441(a), claiming this Court had original jurisdiction under 28 U.S.C. §§ 1331 and 1332. On the same date, Marc Smith filed an application to proceed *in forma pauperis*. On September 30, 2014, this Court denied Marc Smith's application to proceed *in forma pauperis* on the ground that the financial information in the application was insufficient [dkt. 4].

On November 13, 2014, the Court determined that Defendants had failed to establish a

basis for removal on the grounds of federal question or diversity jurisdiction and ordered Defendants to show cause why this Court has subject-matter jurisdiction over this matter [dkt. 5]. Defendants responded to the Court's Order to Show Cause on December 3, 2014 [dkt. 7]. On January 7, 2015, this Court issued a substantive opinion remanding this matter for lack of subject-matter jurisdiction [dkt. 8]. Marc Smith subsequently filed his Request for Court Filing Fee Refund [dkt. 10].

### III. ANALYSIS

Marc Smith seeks a refund of his filing fee on the basis that his case will not be heard in this District and that he would benefit from the refund due to his commission-based employment. The Judicial Conference of the United States, however, "has a long-standing policy prohibiting the refund of fees." Administrative Order No. 07-AO-004 (E.D. Mich. Apr. 18, 2007). "The Judicial Conference's current policy on refunding filing fees, in effect since 1949, has been broadly interpreted to generally prohibit refunds of fees due upon filing, even if a party filed the case in error *or the court dismissed the case or proceeding.*" *Guide to Judiciary Policy*, Volume 4, Chapter 6, § 650.10 (emphasis added). The Judicial Conference has, however, granted courts limited refund authority when a filer erroneously pays a fee through a court's Case Management/Electronic Case Files ("CM/ECF") system. *See id.* at § 650.20.

In the Eastern District of Michigan, the Court has the authority to refund a fee when a CM/ECF filer erroneously paid (a) a duplicate fee payment related to the submission of a single document or (b) a fee payment when no fee was due. *See* Administrative Order No. 07-AO-004 (E.D. Mich. Apr. 18, 2007). The Court finds that Marc Smith's request for refund falls outside the scope of the limited refund authority granted by the Judicial Conference and adopted by this District in Administrative Order No. 07-AO-004. Therefore, Marc Smith's request shall be

denied.

#### IV. CONCLUSION

Accordingly, and for the reasons set forth above, IT IS HEREBY ORDERED that Defendant Marc Smith's Request for Court Filing Fee Refund [dkt. 10] is DENIED.

IT IS SO ORDERED.

Dated: June 25, 2015

s/ Sean F. Cox  
Sean F. Cox  
United States District Judge

I hereby certify that on June 25, 2015, the document above was served on counsel of record via electronic means and upon Marc Smith and Carolyn Smith via First Class Mail at the address below:

Marc D Smith  
10295 Balfour Road  
Detroit, MI 48224

Carolyn Smith  
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s/ Jennifer McCoy  
Case Manager